

BAP M \$ CC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Dean R. Garraffa

TITLE: Improved Breathing Regulator Apparatus Having Automatic Flow Control

PATENT NO.: 5,678,541

FILING DATE: March 15, 1996

ISSUE DATE: October 21, 1997

DOCKET: Atomic-1

SERIAL NO.: 08/616,223

RECEIVED

DEC 22 2011

OFFICE OF PETITIONS

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SUPPLEMENTAL PETITION FOR REINSTATEMENT

OF PATENT UNDER 37 CFR § 1.378

Dear Sir:

Atomic Aquatics, LLC ("Petitioner", "Atomic Aquatics" or just "Atomic"), the present assignee of U.S. Patent No. 5,678,541 (the "Subject Patent") now petitions for revival and the acceptance of all necessary maintenance fees and surcharges under 37 CFR 1.378. Petitioner asks for a suspension of the rules under 37 CFR 1.183 to the extent necessary to provide consideration of all of the requests and issues presented within this petition, and pays the corresponding fee set forth in 37 CFR 1.17(f). Thank you.

Petitioner now pays the required 7.5- and 11.5-year maintenance fees of \$1425 and \$2365 as a small entity and the \$700 fee under 37 CFR 1.20(i)(1). Combined with the \$400 fee under 37 CFR 1.176(a) for suspension of the rules, Petitioner now pays a total of \$4,890. If there is any deficiency, please contact Mr. Robinson immediately at the number at the bottom of this Petition.

Refund Ref: 0030100227
02/29/2012

Adjustment date: 02/29/2012 CKHLOK
12/23/2011 GARIAS 00000007 00616223
01 FC:1599 -4890.00 OP

Credit Card Refund Total: \$4490.00

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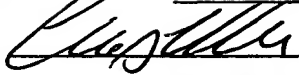

02/29/2012 CKHLOK 00000002 00616223

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Master C: XXXXXXXXXXXX4915

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>02/28/12</u>		2 Serial/Patent # <u>08/616,223</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			\$
	Amendment			\$
	Extension of Time			\$
	Notice of Appeal/Appeal			\$
	Petition			\$
	Issue			\$
	Cert of Correction/Terminal Disc.			\$
	Maintenance			\$
	Assignment			\$
<input checked="" type="checkbox"/>	Other	IFW	12/19/11	\$ 4,490.00
7 TOTAL AMOUNT OF REFUND			\$ 4,490.00	
8 TO BE REFUNDED BY:				
<input checked="" type="checkbox"/>	Treasury Check			
<input checked="" type="checkbox"/>	Overpayment			
	Duplicate Payment			
<input checked="" type="checkbox"/>	No Fee Due (Explanation):			
9				
The \$4,490 consists of maintenance fees and a surcharge which have already been paid				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: <u>Charles Steven Brantley</u>		TITLE: <u>Senior Petitions Attorney</u>		
SIGNATURE: <u></u>		PHONE: <u>571-272-3203</u>		
OFFICE: <u>Office of Petitions</u>				
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****				
APPROVED: <u></u>		DATE: <u>2/29/12</u>		

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: